

Dated: New York, New York
April 27, 2015

JENNER & BLOCK LLP

/s Andrew H. Bart

Andrew H. Bart
Nathaniel H. Benforado
919 Third Avenue
New York, New York 10022-3908
(212) 891-1645
*Attorneys for Defendants Universal–
Polygram International Publishing, Inc.
and Capitol Records, LLC*

UNITED STATES DISTRICT COURT

Southern

District of

New York

TufAmerica, Inc.

BILL OF COSTS

V.

Michael Diamond, et al.

Case Number: 12 cv 3529 (AJN)

Judgment having been entered in the above entitled action on 3/26/2015 against TufAmerica, Inc.,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>4,539.90</u>
Fees and disbursements for printing	_____
Fees for witnesses (itemize on page two)	<u>0.00</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	_____
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
TOTAL	\$ <u>4,539.90</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:

- ☒ Electronic service by e-mail as set forth below and/or.
☐ Conventional service by first class mail, postage prepaid as set forth below.

s/ Attorney: /s Andrew H. Bart

Name of Attorney: Andrew H. Bart

For: Universal-Polygram International Publishing, Inc. and Capital Records, LLC

Date: 4/27/2015

Name of Claiming Party

Costs are taxed in the amount of _____ and included in the judgment.

 Clerk of Court

By: _____
 Deputy Clerk

 Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TUFAMERICA, INC.,

Plaintiff,

v.

MICHAEL DIAMOND, *et al.*,

Defendants.
-----X

:
:
: Case No. 12 Civ. 3529 (AJN)
:

: **DECLARATION OF ANDREW H.**
: **BART IN SUPPORT OF THE UMG**
: **DEFENDANTS' BILL OF COSTS**
:
:
:

I, ANDREW H. BART, hereby declare as follows:

1. I am a partner at the law firm of Jenner & Block LLP (“Jenner”), and counsel for Defendants Universal–Polygram International Publishing, Inc. (incorrectly named as Universal Music Publishing, Inc. and Universal Music Publishing Group) and Capitol Records, LLC (collectively, the “UMG Defendants”) in the above-referenced action. I am admitted to practice law in the State of New York and before this Court. The statements made in this declaration are based upon my personal knowledge, including information provided to me by colleagues and other personnel working under my supervision in this case. I submit this declaration in support of the UMG Defendants’ Bill of Costs submitted herewith.

2. The UMG Defendants’ Bill of Costs seeks taxation of costs totaling \$4539.90 for deposition transcript fees and expenses incurred in the depositions of three witnesses: Tony Fisher, Will Scott, and James Avery (collectively, the “Depositions”).

3. True and correct copies of the invoices for the Depositions are attached hereto as Exhibits A.

4. The transcripts of the Depositions were by the UMG Defendants in support of their successful motion for summary judgment and therefore are allowable by law.

5. The amount of \$4539.90 listed on the Bill of Costs for the deposition transcript fees and expenses associated with the Depositions is correct and has been necessarily incurred in the case, and the services for which fees have been charged were actually and necessarily performed.

I declare upon penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
April 27, 2015

/s Andrew H. Bart

Andrew H. Bart

EXHIBIT A

Veritext New York Reporting Co.

330 Old Country Rd., Suite 300
 Mineola NY 11501
 Tel. (516) 608-2400 Fax. (516) 608-2450
 Fed. Tax ID: 20-3132569



Bill To: Andrew K. Bart
 Jenner & Block LLP
 919 3rd Ave.
 37th Floor
 New York, NY, 10022-3915

Invoice #: NY2030957
Invoice Date: 5/8/2014
Balance Due: \$1,641.75

Case:	Tufamerica, Inc. v. Diamond, Michael, Et Al,	Atty:	x
Job #:	1853209 Job Date: 5/1/2014 Delivery: Expedited	Client Billing/Matter #:	x
Billing Atty:	Andrew K. Bart		
Location:	Jenner & Block 1099 New York Avenue NW Suite 900 Washington, DC 20001		
Sched Atty:	Jenner & Block LLP		

Witness	Description	Units	Quantity	Price	Amount
Tony Fisher	Original with 1 Certified Transcript	Page	315.00	\$2.75	\$866.25
	Transcript - Expedited Fee	Page	315.00	\$2.00	\$630.00
	Exhibits	Per Page	20.00	\$0.05	\$1.00
	CD Depo Litigation Package	Per CD	1.00	\$25.00	\$25.00
	Attendance Fee	1	2.00	\$40.00	\$80.00
	Shipping & Handling - Expedited	Package	1.00	\$39.50	\$39.50
Notes:				Invoice Total:	\$1,641.75
				Payment:	\$0.00
				Credit:	\$0.00
				Interest:	\$0.00
				Balance Due:	\$1,641.75
TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult http://www.veritext.com/services/all-services/service-information					

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Invoice #: NY2030957
Job #: 1853209
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 Fed. Tax ID: 20-3132569



Bill To: Andrew K. Bart
 Jenner & Block LLP
 919 3rd Ave.
 37th Floor
 New York, NY, 10022-3915

Invoice #: NY2030938
Invoice Date: 5/8/2014
Balance Due: \$1,517.15

Case: Tufamerica, Inc. v. Diamond, Michael, Et Al,
Job #: 1853208 | Job Date: 4/30/2014 | Delivery: Expedited
Billing Atty: Andrew K. Bart
Location: Jenner & Block
 1099 New York Avenue NW | Suite 900 | Washington, DC
 20001
Sched Atty: | Jenner & Block LLP

Witness	Description	Units	Quantity	Price	Amount
James Avery	Original with 1 Certified Transcript	Page	283.00	\$2.75	\$778.25
	Transcript - Expedited Fee	Page	283.00	\$2.00	\$566.00
	Exhibits	Per Page	132.00	\$0.05	\$6.60
	CD Depo Litigation Package	Per CD	1.00	\$25.00	\$25.00
	Exhibits Scanned-Searchable - OCR	Per page	132.00	\$0.05	\$6.60
	Attendance Fee	1	2.00	\$40.00	\$80.00
	Shipping & Handling - Expedited	Package	1.00	\$54.70	\$54.70
Notes:				Invoice Total:	\$1,517.15
				Payment:	\$0.00
				Credit:	\$0.00
				Interest:	\$0.00
				Balance Due:	\$1,517.15
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Invoice Date: 5/8/2014
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Veritext New York Reporting Co.

330 Old Country Rd., Suite 300
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 Tel. (516) 608-2400 Fax. (516) 608-2450
 Fed. Tax ID: 20-3132569



Bill To: Nathaniel H. Benforado
 Jenner & Block LLP
 919 3rd Ave.
 37th Floor
 New York, NY, 10022-3915

Invoice #: NY2038833
Invoice Date: 5/19/2014
Balance Due: \$1,381.00

Case: Tufamerica, Inc. v. Diamond, Et Al.
Job #: 1858527 | Job Date: 5/6/2014 | Delivery: Expedited
Billing Atty: Nathaniel H. Benforado
Location: Sheppard Mullin
 30 Rockefeller Plz | 39th Fl | New York, NY 10112
Sched Atty: Thomas Monahan | Sheppard Mullin Richter & Hampton LLP

Witness	Description	Units	Quantity	Price	Amount
Will Scott	Certified Transcript	Page	244.00	\$3.25	\$793.00
	Transcript - Expedited Fee	Page	244.00	\$2.25	\$549.00
	CD Depo Litigation Package	Per CD	1.00	\$0.00	\$0.00
	Shipping & Handling	Package	1.00	\$39.00	\$39.00
Notes:				Invoice Total:	\$1,381.00
				Payment:	\$0.00
				Credit:	\$0.00
				Interest:	\$0.00
				Balance Due:	\$1,381.00
TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult http://www.veritext.com/services/all-services/service-information					

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Invoice #: NY2038833
Job #: 1858527
Invoice Date: 5/19/2014
Balance: \$1,381.00

